

Board of Civil Authority Special Meeting Minutes

212 School Street

West Burke VT 05871

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January 30, 2026

5:00 P.M.

Members Present: Mark Daigle, Joe Allard, Jerry Booth, Linda Hackett-Corey, Joel Gilbert, Susan Carr, Wendy Bean, Kathleen Feeley (Chair)

Visitors, On Zoom: Paul Hayes

Kathleen Feeley opened meeting at 5:00 P.M.

There were no Changes or Addition to the Agenda.

Announcements : A prepared script was read by Kathleen Feeley.

1. Call to Order
2. Changes or Additions to the Agenda
3. Announcements

The Chair would like to make the following announcement: The Town of Burke Board of Civil Authority conducts its business in open meetings that are orderly, efficient, and respectful. Only members of the Board shall participate in the meeting, unless invited by the Chair to participate. We will follow the agenda, which includes an opportunity for public comment at the end of the meeting on any matter that is on today's agenda.

The role that members of the public play during our meetings is simply to observe. During public comment, individuals shall be allowed to state their positions and shall maintain an atmosphere free of slander, ad hominem attacks, and threats of violence. If an individual breaches this requirement, they will be ruled out of order. Public comment will be limited to two minutes per person. Comments shall be directed to the Board as a body, not any particular person. Public comment is a time for the Board to receive comment and will not be used as time for debate or dialogue. The Board is not obliged to respond to any comment received. If an individual wishes to submit written information to the Board, they may do so by providing such communication to the Town Clerk who will distribute accordingly.

To maintain order and decorum, the chair will rule out of order any person who refuses to comply with these requirements. A person who disturbs this meeting or is ruled out of order will be provided with a warning before being asked to leave. If, after warning, the individual continues to interrupt or disturb

the meeting, the individual will be asked to leave immediately. The Chair may request the assistance of law enforcement, as needed.

I hope that this sets expectations for everyone observing and participating in this meeting.

4. Address Open Meeting Law Complaint

The Town of Burke Board of Civil Authority has received written notice of alleged violations of Vermont's Open Meeting Law from Kevin Blais on January 20, 2026. Ironically, this complaint involves a meeting held by this Board a year ago, on January 29, 2025, which was also called for the sole purpose of addressing his complaints.

Pursuant to 1 V.S.A. §314(b)(2), a public body must respond publicly within 10 days to such alleged violations. I will now read a summary of the allegations. After conferring with our Town attorney, I will also present my findings and recommendation to the Board for each. At the conclusion, I will ask for motions to address these complaints.

1ST COMPLAINT.

Mr. Blais alleges that "on January 29, 2025, the Town of Burke violated the State's Open Meetings Act when it failed to properly notice a special meeting of the BCA." Mr. Blais offers no basis for this allegation.

I have caused an investigation into the matter and find the following:

Notice Requirements under the OML. The notice requirements of a special meeting under Vermont's Open Meeting Law are that:

- 1. The time, place, and purpose of the meeting shall be publicly announced at least 24 hours before the meeting. Publicly announced, by statute, means that notice is given to a newspaper or radio station serving our area.*
- 2. Notice of the special meeting shall be posted in or near the municipal clerk's office and in at least two other designated public places in the municipality at least 24 hours before the meeting, and*
- 3. Notice shall be given, either orally or in writing, to each member of the public body at least 24 hours before the meeting, except that a member may waive notice of a special meeting.*

The notice requirements were met for the meeting because the agenda was sent to the Caledonian Record on January 28, 2025, 24 hours prior to the start of the meeting; notice was posted outside the town office and in the Burke Community Building and the West Burke Post Office on January 28, 2025 24 hours prior to the start of the meeting and posted on the Town website the same day; and each member of the BCA was either called or emailed to provide notice of the meeting on January 28, 2025, 24 hours prior to the start of the meeting.

Therefore, I conclude and recommend to this Board that it find that no such violation occurred, and no cure is necessary.

2nd COMPLAINT.

Mr. Blais also alleges that this Board “violated the act by allowing members of the BCA to participate in spite of the fact that most had recused themselves from participation previously, citing ethical conflict with the appellant.”

I have caused an investigation into the matter and after consultation with legal counsel report that. as a preliminary matter, the conduct he complains of is not regulated by the Open Meeting law and not subject to enforcement under it. Further, for the Board’s information, recusal of a public officer is only required when a conflict of interest exists. The matter before the BCA on January 29, 2025, was to address whether an Open Meeting Law Violation had occurred, as alleged. It was not to address the substance of Mr. Blais’ prior property valuation appeal, which had already been decided and dismissed by the Caledonia District and Vermont Supreme Courts.

I therefore conclude and recommend to this Board that it find that no such violation occurred, and no cure is necessary.

CONCLUSION. *Having now read a summary of the complaints and submitted my findings regarding each one, I will take a motion that this Board finds that in response to the complaints alleged, no violation has occurred and no cure is necessary for each of the alleged violations.*

CATHI: *All in favor of approving this motion? Jerry Booth “So Moved.” – Joel Gilbert “Seconded.”*

All in favor of approving this motion? All in Favor.

Thank you. Finally, I will now take a motion to include this summary of the alleged violations and my findings and recommendations with the minutes of this meeting.

Jerry made motion, Joe and Mark Seconded. All in favor.

Thank you. We will now move to the rest of our agenda.

5. Other Business
6. Public Comment

We will now take public comment. Members of the public may raise their hand in person or online and I will call on you one by one. Each person will have two minutes to speak. As a reminder, this is not a time for dialogue or discussion – only to hear the comments of the public. There were no public comments.

No Other Business

Cathi asked for a motion to adjourn meeting, Jerry made the motion, Mark Seconded -All in favor.

Meeting Adjourned, 5:10 P.M.

Respectfully submitted; Linda Hackett-Corey, BCA Minute Clerk